

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

JUL 17 2003

LOIS TRASK

Plaintiff,

v.

CITY OF CHICAGO POLICE DEPT.,
DAVID HALLIDAY, SERGEANT
JOHN DOYLE and UNKNOWN OTHERS

Defendants

Case No. 02 C 7384

Judge Manning

Magistrate Judge Levin

NOTICE OF MOTION AND CERTIFICATE OF SERVICE

To: Lois Trask
7776 South Coles
1st Floor
Chicago, IL 60649

PLEASE TAKE NOTICE that on July 15, 2003, at 11:00 a.m., or as soon thereafter as counsel can be heard, the undersigned will appear before the Honorable Blanche M. Manning, in Courtroom 2125 of the United States District Court for the Northern District of Illinois, 219 S. Dearborn St., Chicago, Illinois, or any other judge sitting in her stead, and then and there present COUNSEL'S MOTION TO WITHDRAW, a copy of which is attached and hereby served upon you. I certify that on this date I caused the same to be served by certified mail upon Lois Trask.

Respectfully submitted,



Craig B. Futterman

July 2, 2003

Craig B. Futterman
EDWIN F. MANDEL LEGAL AID CLINIC
University of Chicago Law School
6020 S. University Ave.
Chicago, IL 60637
(773) 702-9611

FILED

JUL - 2 2003

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF ILLINOIS
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MOTION TO WITHDRAW AS COUNSEL

Craig B. Futterman of the Edwin F. Mandel Legal Aid Clinic respectfully requests that this Honorable Court allow him to withdraw from representation of Plaintiff Lois Trask in this matter due to Plaintiff's unwillingness to cooperate with Counsel and prevention of Counsel undertaking an investigation of potential federal claims in the above-captioned matter.

In support, Counsel states:

1. Plaintiff's Counsel seeks leave to withdraw as Counsel due to Plaintiff's unwillingness to cooperate with Counsel in investigating the merits of Plaintiff's potential federal claims. *See Otis v. City of Chicago*, 29 F.3d 1159, 1168 (7th Cir. 1994) (en banc).

2. On February 21, 2003 the Court consolidated Plaintiff Trask's *pro se* complaints against Jackson Park Hospital and individual employees (case number 02 C 7468) with Plaintiff's Trask's *pro se* complaint against the Chicago Police Department and individual officers (case number 02 C 7384). At this time, in compliance with Plaintiff's request for appointed counsel, the

Court appointed Frederick R. Ball of Duane Morris to represent Plaintiff. Mr. Ball was subsequently given leave to withdraw from the case.

3. On May 30, 2003, Craig B. Futterman of the Edwin F. Mandel Legal Aid Clinic received written notice that he had been appointed to represent Plaintiff in this matter. Counsel obtained and reviewed the court file prior to meeting with Plaintiff on June 13, 2003. On June 18, 2003, law students working under Mr. Futterman's supervision at the Mandel Legal Aid Clinic conducted an extended interview with Plaintiff and outlined what was needed to investigate Plaintiff's claims. At that meeting, Plaintiff declined to authorize the release of information necessary to Counsel's investigation.

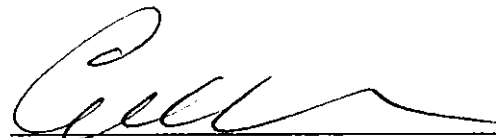
4. On June 26, 2003, in two telephone calls with Plaintiff's Counsel, Plaintiff again refused to authorize the release of necessary information and verbally confirmed that she understood her refusal would end the investigation by the Mandel Legal Aid Clinic. During those conversations, Counsel and his representatives informed Plaintiff of his intent to seek leave to withdraw from representing Plaintiff in this matter due to Plaintiff's lack of cooperation.

5. On June 27, 2003, the Edwin F. Mandel Legal Aid Clinic sent Plaintiff a letter via certified mail confirming Counsel's intent to seek the Court's leave to withdraw as counsel in this matter due to Plaintiff's refusal to cooperate with Counsel's investigation (see attached).

6. Absent cooperation from Plaintiff Trask, Counsel cannot competently investigate the merits of Plaintiff's potential federal claims arising from the incidents of October 12, 2002 and cannot file an amended complaint in compliance with Fed. R. Civ. P. 11.

WHEREFORE, Counsel respectfully requests this Honorable Court to enter an Order granting Counsel's motion to withdraw from representation of Plaintiff in this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Futterman', written over a horizontal line.

Craig B. Futterman

Date: July 2, 2003

Craig B. Futterman
EDWIN F. MANDEL LEGAL AID CLINIC
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Ms. Lois Trask
7776 South Coles
1st Floor
Chicago, IL 60649

Via Certified Mail

June 27, 2003

Re: Trask v. City Chgo PD 02 C 7384

Dear Ms. Trask:

This letter follows our meeting on June 18 and our phone conversation yesterday afternoon. In those discussions, I expressed our need to access and review your medical mental health records to help us to investigate the merits of any federal claims in the above-captioned matter. In our conversations, you indicated that relatives made several false claims to the police, including claims about your mental health and need for commitment, that in part, resulted in the police and medical personnel taking various actions against your will. Nonetheless, you have refused to sign authorizations to release information to us about your mental health and medical history. As I explained in our conversations, we are unable to represent you or to assess the potential merits of your claims without access to this and other relevant information. Due to your decision not to release your records, we cannot conduct a complete and thorough investigation of the merits of your case; without such an investigation, we cannot competently represent you and your interests. As I and my supervisor Craig Futterman also explained, we will be filing a motion with the Court to withdraw as your counsel, because of your lack of cooperation with counsel, impeding our ability to assess whether you have any federal claims.

Please feel free to contact us if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Mandel".

Jeff Mandel
Law Student

Edwin F. Mandel Legal Aid Clinic

Website: www.law.uchicago.edu/mandel